

From: [Fugh, Justina](#)
To: (b) (6)
Subject: Another hearty welcome from EPA Ethics
Date: Wednesday, January 03, 2018 4:51:00 PM

Hi Doug,

Welcome (back) to EPA! I understand that you will soon be starting in a Schedule C position in Region 10 as the Senior Advisor to the Regional Administrator for Public Engagement. Congratulations! You are already set up for another ethics briefing with me on Monday, January 8th. At that meeting, we will go over the federal ethics rules and requirements. I will need you to:

- File a new entrant public financial disclosure report in INTEGRITY;
- Sign the Trump Ethics Pledge;
- Confirm that you do not have any outstanding campaign debt from your state senate races; and
- Confirm the date that you resigned or will resign from your state senate position.

Because of your current employment with the State of Washington, you will still face the restriction against working on any particular matter in which WA is a party. Once you confirm your resignation date, EPA Ethics will be happy to consider whether to permit you to work with Washington State officials and on Washington specific issues even during your “cooling off” period. That’s called an “impartiality determination,” and it would be similar to what we issued for Chris Hladick (coming from Alaska) and Peter Lopez (Regional Administrator in Region 2 who came from the New York State Assembly). But, as I said, we won’t consider that possibility until we know that you’ve resigned.

Looking forward to working with you again,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Stern, Allyn](#); [Wright, Garth](#)
Cc: [Griffo, Shannon](#)
Subject: Doug Ericksen
Date: Wednesday, January 03, 2018 1:20:12 PM
Attachments: [Hatch Act chart February 2017.docx](#)
[When to Report Transactions on the OGE 278 and Sched B - January 2013 ch....docx](#)
[P45 Executive Order.pdf](#)
[P45 Ethics Pledge blank.pdf](#)
[ethics briefing template -- R10.docx](#)

Hi there,

I appear to be set up for the new employee ethics briefing for Doug Ericksen next week. You all should call me on my weblink, please, which is fugh.justina@epa.gov. I actually gave Doug new employee training back in January 2017, but since then, he resigned and now is back in a new position. It makes sense to do the training again.

Attached are the documents for the meeting. I updated the Region 10 ethics briefing template used for Chris Hladick, and included all of the attachments. Please be sure that these documents are available in hard copy for Doug. Also, he will need to sign the ethics pledge at the briefing and then you will need to pdf it back to me.

(b) (5)

[Redacted content]

Justina

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ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature

_____, 20____
Date

Print or type your full name (last, first, middle)

The White House
Office of the Press Secretary
For Immediate Release
January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

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ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.

"2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.

"3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

"4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political

party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

"5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

"7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.

"8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

"9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service."

Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(b) "Appointee" means every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) "Covered executive branch official" shall have the definition set forth in the Lobbying Disclosure Act.

(d) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(e) "Executive agency" and "agency" mean "executive agency" as defined in section 105 of title 5, United States Code, except that the terms shall include the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission, and excludes the Government Accountability Office. As used in paragraph 1 of the pledge, "executive agency" means the entire agency in which the appointee is appointed to serve, except that:

(1) with respect to those appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the appointee ceased to serve in that department or agency; and

(2) an appointee who is detailed from one executive agency to another for more than 60 days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(f) "Foreign Agents Registration Act of 1938, as amended" means sections 611 through 621 of title 22, United States Code.

(g) "Foreign government" means the "government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(e).

(h) "Foreign political party" has the same meaning as that term has in section 1(f) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(f).

(i) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(k) "Gift"

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3), (j), (k), and (l) of title 5, Code of Federal Regulations.

(l) "Government official" means any employee of the executive branch.

(m) "Lobbied" shall mean to have acted as a registered lobbyist.

(n) "Lobbying activities" has the same meaning as that term has in the Lobbying Disclosure Act, except that the term does not include communicating or appearing with regard to: a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. 551 *et seq.*

(o) "Lobbying Disclosure Act" means sections 1601 *et seq.* of title 2, United States Code.

(p) "Lobbyist" shall have the definition set forth in the Lobbying Disclosure Act.

(q) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child, or parent.

(r) "Particular matter" shall have the same meaning as set forth in section 207 of title 28, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(s) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(t) "Participate" means to participate personally and substantially.

(u) "Pledge" means the ethics pledge set forth in section 1 of this order.

(v) "Post-employment restrictions" shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(w) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.

(x) Terms that are used herein and in the pledge, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

(y) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2017.

Sec. 3. Waiver. (a) The President or his designee may grant to any person a waiver of any restrictions contained in the pledge signed by such person.

(b) A waiver shall take effect when the certification is signed by the President or his designee.

(c) A copy of the waiver certification shall be furnished to the person covered by the waiver and provided to the head of the agency in which that person is or was appointed to serve.

Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; and

(2) to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this Executive Order are made available for use by agencies in fulfilling their duties under section 4(a);

(2) in consultation with the Attorney General or Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 5 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations; and

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 8 of the pledge is honored by every employee of the executive branch;

(d) An appointee who has signed the pledge is not required to sign the pledge again upon appointment or detail to a different office, except that a person who has ceased to be an appointee, due to termination of employment in the executive branch or otherwise, shall sign the pledge prior to thereafter assuming office as an appointee.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or civil judicial proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from engaging in lobbying activities with respect to that agency for up to 5 years in addition to the 5-year time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action on behalf of the United States against the former officer or employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former officer or employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former officer or employee arising out of any breach or attempted breach of the pledge signed by the former officer or employee.

Sec. 6. General Provisions. (a) This order supersedes Executive Order 13490 of January 21, 2009 (Ethics Commitments by Executive Branch Personnel), and therefore Executive Order 13490 is hereby revoked. No other prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) The pledge and this order are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to an executive department, agency, or the head thereof; or

(2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

DONALD J. TRUMP

From: [Fugh, Justina](#)
To: [Stern, Allyn](#)
Cc: [Wright, Garth](#); [Griffo, Shannon](#)
Subject: RE: Doug Ericksen
Date: Wednesday, January 03, 2018 5:08:29 PM
Attachments: [Senior Advisor to the Regional Administrator for Public Engagement.docx](#)
(b) (5)
[Another hearty welcome from EPA Ethics.msg](#)

Hi,

Garth called me earlier so we could get on the same page regarding Doug's ethics briefing. He's going to get Doug's signature on the ethics pledge, (b) (5)

(b) (5)
Also, I'm attaching the job description I got earlier today from the White House Liaison for Doug's position. (b) (5)

(b) (5) Finally, I've included the email that I sent to Doug to remind him of his ethics "housekeeping" requirements.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Stern, Allyn
Sent: Wednesday, January 03, 2018 2:16 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Wright, Garth <wright.garth@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Doug Ericksen

Thanks Justina. I would like to see the draft. Michelle told me that Sen. Erikson said that he plans to resign on the 8th. We will need to confirm that with him on Monday.

Garth - can you coordinate with Linda to make sure the documents get printed and we get Justina connected? We also will need to meet with Michelle to find out what Doug will be assigned to. I'll give her a call and ask her about that. Last time I checked, it was in progress.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jan 3, 2018, at 10:20 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

I appear to be set up for the new employee ethics briefing for Doug Ericksen next week. You all should call me on my weblink, please, which is fugh.justina@epa.gov. I actually gave Doug new employee training back in January 2017, but since then, he resigned and now is back in a new position. It makes sense to do the training again.

Attached are the documents for the meeting. I updated the Region 10 ethics briefing template used for Chris Hladick, and included all of the attachments. Please be sure that these documents are available in hard copy for Doug. Also, he will need to sign the ethics pledge at the briefing and then you will need to pdf it back to me.

(b) (5)



Justina

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<Hatch Act chart February 2017.docx>

<When to Report Transactions on the OGE 278 and Sched B - January 2013 ch....docx>

<P45 Executive Order.pdf>

<P45 Ethics Pledge blank.pdf>

<ethics briefing template -- R10.docx>

(b) (5)

- As a Schedule C appointee, Doug must sign the Trump ethics pledge. Like Chris Hladick, he cannot accept any gifts from a federally registered lobbyist.

- (b) (5) [REDACTED]

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Benton, Donald](#)
Subject: Signing the pledge
Date: Wednesday, March 15, 2017 4:24:00 PM

Hi there,

Doug Ericksen wanted to be super sure about whether he had to sign the pledge, given that he plans to leave soon. The final answer from the Office of Government Ethics is that he does NOT have to sign the pledge. Any person who serves for only 120 days will not have to sign the pledge. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] but no longer have Doug Ericksen. I'll let him know that he doesn't have to sign the pledge.

Justina

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Ethics Briefing for Senior Advisor
to the Regional Administrator for Public Engagement
Region 10

1. The Ethics Program at the Environmental Protection Agency

The following ethics officials in the Office of General Counsel and in Region 10 comprise your Agency ethics program and can assist you:

OGC/Ethics (ethics@epa.gov)	
Kevin Minoli Designated Agency Ethics Official and Principal Deputy General Counsel (202) 564-8064 minoli.kevin@epa.gov	
Justina Fugh Alternate Agency Ethics Official and Senior Counsel for Ethics (202) 564-1786 fugh.justina@epa.gov	
Shannon Griffo (on detail to OGC) Ethics Attorney (202) 564-7061 griffo.shannon@epa.gov	Margaret Ross Ethics Officer (202) 564-3221 ross.margaret@epa.gov
Jeanne Duross (part time) Ethics Attorney (202) 564-6595 duross.jeanne@epa.gov	Jennie Keith (part time) Ethics Officer (202) 564-3412 keith.jennie@epa.gov

Region 10 Ethics (R10Ethics@epa.gov)	
Michelle Pirzadeh Deputy Ethics Official Deputy Regional Administrator (206) 553-1272 pirzadeh.michelle@epa.gov	Allyn Stern Deputy Ethics Official Regional Counsel (206) 553-1223 stern.allyn@epa.gov
Garth Wright Assistant Deputy Ethics Official Ethics Attorney (206) 553-1104 wright.garth@epa.gov	

And you can visit the OGC ethics website at <http://intranet.epa.gov/ogc/ethics.htm> .

2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the

United States and that we are not putting personal or private interests ahead of the public good. There are 14 principles that form your basic obligation of public service. We'll cover them in this briefing.

3. The President's Executive Order (for political appointees only)

On 1/28/17, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. See [Exec. Order 13,770](#). You are required to sign this pledge.

The significant points of the Executive Order for you are as follows:

While you are a federal employee --

- You will not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance.
- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations, contracts, enforcement actions, investigations or similar specific party matters. Furthermore, you also may not participate in EPA-related meetings or other communications with your former employer unless such meetings or communications involve general matters, are open to a multiplicity of interested parties and include at least four other interested parties; and
- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any *lobbying activities with respect to the agency* in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in *lobbying activities with respect to any covered executive branch official or non-career SES employee*; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their "agent" requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

NOTE: for the purposes of the pledge, *lobbying activities* means any oral or written communication to a covered executive branch official or non-career Senior Executive Service appointee, as well as any efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

Finally, you agree that the terms of the ethics pledge are binding upon you.

4. Important ethics housekeeping requirements

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant and also required to have one hour of ethics training each year. The Office of General Counsel provides the training in-person or on-line.

You are also now subject to the STOCK Act, which means that you must report certain periodic transactions, and you have to notify OGC/Ethics within three days when you begin negotiating for future employment. We'll give you a handy chart about periodic transactions.

5. Conflicts of Interest

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially in any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Please note that "particular matters" extend beyond specific party matters to matters focused on the interests a discrete and identifiable class of persons, such as an industry sector. Thus, governmental action such as legislation, rulemaking, policy-making or other actions focused on a specific sector pose potential conflicts if you own interests within the sector. For example, if you own stock in a utilities company (beyond *de minimis* exemption levels), then you may have a conflict if you participate personally and substantially on an EPA rule or policy applicable to the utility sector. Because there are several elements to the conflicts analysis, and because various exemptions or waivers may apply, please contact ethics officials before working on any particular matters involving your financial interests in specific companies or sectors.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

6. Appearance of a Loss of Impartiality

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties. When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

7. No representation back to the federal government

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 USC §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

8. Acceptance of Gifts

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value, and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift acceptance authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you.

Be aware that Tribes in Region 10 have occasionally presented gifts to EPA leaders (e.g. blankets, beads, salmon). Please inform ethics officials if this occurs; there may be an option to accept such a gift through General Service Administration regulations.

9. Invitations to Events

Political appointees often receive invitations to attend events such as conferences, speaking engagements, award ceremonies, fundraisers, political gatherings, etc. These invitations frequently include gift offers in the form of food, entertainment, fee waivers, travel, lodging, etc., and may involve participation or sponsorship by lobbyists. Such events also may involve political elements or actors, and thus could implicate Hatch Act concerns. That does not necessarily mean you are prohibited from attending such events. But given the increased likelihood of ethics concerns, OGC/Ethics strongly encourages you to forward all such invitations to an ethics official for review and counsel.

10. Attendance at Widely-Attended Gatherings (ethics check required)

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. And attendance at a WAG must be on your own time or on excused absence.

11. Travel Issues

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from an ethics official prior to the event. OGC/Ethics has an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Generally, EPA accepts over \$1 million each year in travel paid by non-federal sources.

12. Preferential Treatment of Non-Federal Entities (Endorsement)

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of the regulated community or a particular contractor, company, non-profit organization, etc.

13. Political Activities

Federal employees are bound by the Hatch Act, which governs political activity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; it's best to find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. Briefly, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please consult your ethics officials or see the attached chart.

14. Lobbying Issues

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, asking an outside group to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

15. Use of Government Personnel and Resources

EPA policy permits employees to "limited personal use" of government equipment, including the telephone,

copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time or using agency resources. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s policy at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>.

Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

16. Outside Activities

Once you become an EPA employee, we consider any other employment or activity to be “outside activity” for which you may need to seek approval in order to proceed. You cannot receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. Further, you should not use EPA time or resources, including email, to further your outside activity. While limited personal use of government equipment may be allowed, that does not apply to your compensated outside activity.

17. Seeking Employment

It’s always odd to talk about seeking employment when we are greeting you to the Agency, but there are some restrictions that apply that are not always evident. You should not participate in a matter involving a party with which you are seeking employment, which starts as soon as you directly or indirectly contact a prospective employer, or even as soon as you respond (other than a rejection) to an unsolicited communication regarding possible employment. The appropriate course of action from an impartiality standpoint is to disqualify yourself from matters that may affect the specific prospective employers.

18. Negotiating for Employment

When your pursuit of future employment advances to “negotiating” for employment with a particular entity, then you have additional ethical restraints. The financial interests of any person or entity with whom you are “negotiating” for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 USC § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to that industry or class.

Filers of the public financial disclosure report are further subject to the STOCK Act, which requires you to notify OGC/Ethics within three days of beginning negotiations for future employment.

19. Post-Government Employment - Representational Restrictions

Keep in mind that, once you leave federal service, you become a member of our alumni association. Here are the highlights of the restrictions (though there are others and some exceptions/waivers). Your ethics officials are still here to provide you with post-employment advice, so keep our numbers handy!

Lifetime bar - on particular matters that you worked on

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. “Representation back” means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

2-year bar - on EPA matters pending during your last year in federal service

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recused yourself from a matter, you are still bound by the two-year bar. The two-year period begins running when your government service terminates. You are not permanently restricted, since you didn’t work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

Senior Employee “cooling off restriction” – on any matter

Depending on your rate of pay, you may be considered a “senior official” and will be restricted for one year from making any contact with EPA following your departure. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 2017, the defining rate of pay for “senior officials” is \$161,755 per year (excluding locality pay).¹ If you are make more than that (before locality pay), then you are a “senior employee” and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a “senior employee” and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!

¹ We do not yet know the threshold effective January 2018.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate;
AD = Administratively Determined; SES = Senior Executive Service

SENIOR ADVISOR TO THE REGIONAL ADMINISTRATOR FOR THE OFFICE OF PUBLIC ENGAGEMENT

INTRODUCTION

The incumbent serves as the Senior Advisor to the Regional Administrator for the Office of Public Engagement. In this capacity, the incumbent is responsible for assisting the Regional Administrator in planning, directing, and executing public outreach activities in support of Agency priorities and ensuring public participation by outside organizations in EPA's regulatory and informational activities. The incumbent is also responsible for the following:

- Establishing and maintaining close working relationships with a broad range of public and private-sector organizations to: 1) anticipate and address stakeholder concerns regarding Agency and environmental matters; (2) keep senior EPA officials apprised of stakeholder needs, perspectives, and issues; (3) promote and support stakeholder involvement and public participation in Agency decision making; and (4) identify opportunities for public/private partnerships;
- Ensuring that comprehensive and integrated communications planning occurs with stakeholders on Agency activities; and
- Implementing policies and procedures in support of the EPA 's National Agenda on the Faith-Based Initiatives.

MAJOR DUTIES AND RESPONSIBILITIES

1. Oversees the key elements of developing and integrating strategic messaging, brand management, timing of product rollout and other related coordination and communication strategies and responsibilities. The incumbent advises managers and workgroups to develop specific written materials, standards, guides, protocols, and handbooks on particular areas of interest to the Regional Administrator. Identifies strategies and implements new and innovative ideas to support the Agency's publications activities.
2. Conducts comprehensive analyses and contributes insight and information as to the need for new strategies. Makes recommendations on analyses that may determine the impact of developments and trends which appear to significantly influence the Agency's environmental and management programs. Where appropriate, ensures that risk communication language is included in print products and that product content provides clarity to the information being addressed by its targeted audience.
3. Works closely with the Regional Administrator and Associate Administrator for Public Engagement as well as OPA staff to ensure that the Administrator's policy issues are reflected in work. Advises and assists the Regional Administrator in the development, editorial and decision-making processes for publications activities. Program and policy issues addressed by the

incumbent involves delicate and interrelated issues which cut across the full spectrum of the Agency's strategic communication plans.

4. Advises the Regional Administrator of policies and programs designed to inform the public and targeted audiences concerning the aims, progress results and background of the various written media on environmental programs and related activities conducted by the Agency. Assists with the development of agency guidance and recommends and plans activities to meet goals and objectives set by the Regional Administrator.
5. Performs other related duties as assigned.

When to Report Transactions

This table is effective as of January 1, 2013 and is for informational purposes only. Email ethics@epa.gov with any specific questions.

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Schedule B of the OGE 278?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Schedule B unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

There are several types of investment vehicles that are not excepted investment funds, including (but not limited to) managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs). You should note that the individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. If you have questions about whether a particular asset or investment vehicle is an EIF, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.